IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18221 of 2006

Dated: September 1, 2006

Between:

B. Anil Kumar, S/o. B. Balaswamy, Hindu, aged 18 years, Student, R/o. D.No.7-17-449/29, Ratnapuri Colony, 4th lane, Guntur.

… Petitioner

And

The Registrar, Dr. N.T.R. Health Sciences, Andhra Pradesh, Vijayawada-8.

… Respondent

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondent in rejecting the candidature of the petitioner in `3% of the seats reserved for physically handicapped for admission into a medical college.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents.

3. Petitioner, a physically handicapped person, belonging to Scheduled Caste, appeared for EAMCET-2006 and secured rank '024637'. He claims that his disability – 40% - falls under the category of locomotary disorder of lower limbs. So far as reservations under the Physically Handicapped quota are concerned, there is 3% reservation for a candidate claiming to be physically handicapped. Basing on the certificate issued by the District Medical Board for Handicapped, Guntur, petitioner claimed a seat in the quota reserved for physically handicapped. However, when the petitioner attended counselling on 23-07-2006, his case was rejected declaring that his disability is less than 40% and he was denied seat under the Physically Handicapped quota.

4. The grievance of the petitioner is that though the District Medical Board for Handicapped, Guntur, has certified his disability as 40%, respondents have denied him a seat under the Physically Handicapped quota, which is contrary to Clause 7.5 of the Prospectus issued for admission to MBBS & BDS Courses for the academic session 2006-07.

5. However, it is to be seen that for the purpose of assessing the percentage of disability of candidates seeking admission into MBBS and BDS Courses, a separate Medical Board, headed by Professor of Medicine, Gandhi Medical College, has been constituted by Dr. NTR University of Health Sciences, A.P., Vijaywada. The petitioner has filed a copy of the certificate issued by the said Board, in the material papers, which examined the disability of the petitioner and certified his disability as 30%. When a Medical Board has specially been constituted for the purpose of assessing disability of the candidates seeking admission, the said Board is only the competent authority to

certify the disability of a particular individual, but not anybody else. When such Board has certified the disability of the petitioner as 30%, basing on the certificate issued by the District Medical Board, petitioner cannot claim a seat in the said quota.

6. The Writ Petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

September 1, 2006
MRR